

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6327

BILL NUMBER: HB 1028

NOTE PREPARED: Feb 1, 2006

BILL AMENDED: Jan 30, 2006

SUBJECT: Firearms and Self-Defense.

FIRST AUTHOR: Rep. Koch

FIRST SPONSOR: Sen. Nugent

BILL STATUS: As Passed House

FUNDS AFFECTED: X **GENERAL
DEDICATED
FEDERAL**

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

Firearm Storage In Motor Vehicles: It prohibits the adoption or enforcement of a policy or rule that prohibits or has the effect of prohibiting an individual from possessing a loaded or unloaded handgun or an unloaded rifle or shotgun that is locked in the individual's motor vehicle while the motor vehicle is in or on the person's property.

Firearm Possession: It excepts possession of a firearm: (1) on school property or a school bus; (2) on certain child care and shelter facility property; (3) on penal facility property; (4) on oil refinery property; and (5) in violation of federal law.

Liability of Policy or Rule: It provides that a person who does not adopt or enforce such a policy or rule is not liable for resulting damages.

Civil Actions: It authorizes a civil action for damages, costs, attorney's fees, and injunctive relief to remedy a violation.

Use of Deadly Force: It specifies that a person: (1) is justified in using deadly force; and (2) does not have a duty to retreat; if the person reasonably believes that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony.

Use of Reasonable Force: It specifies that a person: (1) is justified in using reasonable force, including deadly

force, against another person; and (2) does not have a duty to retreat; if the person reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle.

Effective Date: July 1, 2006.

Explanation of State Expenditures:

Explanation of State Revenues: *Civil Actions:* There are no data available if additional civil actions would be filed under the circumstances allowed under the bill, or if adding occupied motor vehicles to the locations where reasonable force may be justified would reduce the number of civil actions filed. If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Civil Actions:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected:

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.